



BRIGHT FROM THE START

Georgia Department of Early Care and Learning

2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower, Atlanta, Georgia 30334

DELEGATION OF AUTHORITY FROM SCHOOL DISTRICT TO BOARD OF EDUCATION

I, _____ am the Superintendent of _____, and
(School District)

hereby grant authorization to _____, who is the Chairman/_____ of the
(specify if other binding title applies)

_____, to ☐ operate and manage and/or ☐ receive funds on behalf of _____
(Board of Education) (Check all that apply) (School District)

for _____. I, _____ understand that it is my sole responsibility to
(Program Name) (Superintendent of School District)

grant and terminate any such authorization and to ensure that Bright from the Start receives notice of such grant or termination within 30

days of the event. Such notice shall be mailed to Bright from the Start, 2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower,

Atlanta, Georgia 30334/Attention Susan Adams, Deputy Commissioner for Georgia's Pre-K and Instructional Supports.

I, _____, hereby accept my appointment as Agent of _____
(Board of Education) (School District)

with all duties and responsibilities pertinent to this appointment.

The _____ acknowledges that this delegation of authority does not release the _____
(School District) (School District)

from its rights and responsibilities under the agreement/grant and that it is to comply with all terms and conditions of the Agreement.

Signature of School District
Title: Superintendent
Date:

Signature of Board of Education
Authorized Signatory
Date:

Legal Name of Board of Education: _____

Sworn to and Subscribed before me

This _____ day of _____ 20_____

_____. My Commission Expires: _____

Notary Public Signature

Bright from the Start: Georgia Department of Early Care and Learning

Delegation of Authority from SCHOOL DISTRICT to BOARD OF EDUCATION

Considering federal law, we must change all agreements, contracts and grants entered with a Board of Education to reflect that of the School District. The School District is the correct legal entity which enters into agreements. The Board is the governing body for the School District. Pursuant to the Doctrine of Sovereign Immunity, a board of education, unlike the school district which it manages, is not a body corporate and does not have the capacity to sue or be sued and is therefore incapable of being a party to a contract. Cook v. Colquitt County Bd. Of Ed., 261 Ga. 841 (412 S.E.2d 828) 1999; Tidwell v. Coweta County Bd. Of Educ., 240 Ga. App. 55 (521 S.E.2d 889) 1999; Fann v. Johnson County Bd. Of Educ., 270 Ga. App. 186 (606 S.E.2d 110) 2004; and Brown v. Penland Const. Co., 276 Ga. App. 522 (623 S.E.2d 717) 2005. Only if the legislature in creating the Board expressly gave it the power to sue or be sued is there an exception. Id.

In speaking with several counsels that represent the Board of Education and School Districts throughout the State of Georgia, the consensus is that the Board manages the School Districts. In an effort to lessen the burden that it would cause to the Board of Education and School Districts in making these changes, Bright from the Start has determined that under the circumstance that the School District wishes to delegate the management of the program and receipt of payment to the Board of Education, the school district must sign the Program's Agreement AND both parties must complete the *Delegation of Authority from a School District to the Board of Education* ("Delegation of Authority") at the time of submitting a new application or as part of the annual application requirements. The Board of Education and School District MUST complete this form for each program in which the School District chooses to delegate its authority to the Board of Education.

The School District understands and agrees that this delegation of authority *does not* release the School District from its rights and responsibilities under the program's agreement. In addition, the School District is responsible for all actions taken by its Agents.

If the School District chooses to directly manage its program and receive program funds directly, then the Program Agreement must be signed by the School District and this form is not necessary.

Please make sure that each party signing the Delegation of Authority Form on behalf of the Board of Education and School District is expressly authorized to execute it and bind such parties to its terms. Please also make sure to specify the title of the designee for each in the form.

Contact Alethea Cicero-Brown, Legal Officer at 404.670.5418 for questions concerning this form or documents relating to this form.